

AGENDA
BOARD OF ADJUSTMENT
TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY
REGULAR MEETING
MAY 28, 2015 7:30 pm

NOTE: Meeting is being held in conformance with all regulations of the SUNSHINE LAW and proper notice has been given to the Courier; also, the Agenda has been posted in Town Hall, Board Office and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue substantially past 10:30 PM.

Members: Mr. Sullivan, Mr. Miller, Mr. Boyer, Mr. Smith, Mr. Siburn,
Mr. Henry, Mr. Nappi, Mr. Delia and Mr. Sylvester

Mr. Bernstein, Board Attorney

Oath of Public Officers – Newly Appointed Members

Robert Delia – replacement of unexpired term to end 12/31/17

Roll Call:

Applications for Review:

CARRIED FROM APRIL 23, 2015:

App.#4-14: Berkeley Heights Realty, Inc., (Enrite gas station), 525 Springfield Ave., Block 611, Lot 7 (HB-3 Zone)

Application for preliminary and final site plan approval with variances for a canopy over the gas station pumps and a kiosk as added accessory structures to the site. The applicant appeared before the Board in 2013 (App.#26-12: Ilya Shlakman), and a Certificate of Prior Nonconforming Status of the gasoline service station and repair garage was granted by the Board of Adjustment.

App.#11-15: Berkeley Square, L.L.C., 240-264 Springfield Ave., Bl. 801, L. 23 &24

The property (Primrose School and retail building) was subject to Site Plan approval through the Zoning Board of Adjustment, App.#18-12. As part of the approval, one "plaza" sign, 6' x 4' (24 sq. ft.) was approved for installation. The applicant is now proposing to install another freestanding or ground sign to accommodate the retail building which contains three tenant units. The proposed sign would be 4' x 6' x 7' high. Relief is needed from Section 10.1.4C of the Municipal Land Use Procedures Ordinance which states that the site plan, as approved, shall be binding on the applicant, Section 10.8.8A which makes failure to comply with the approved site plan a violation of the ordinance, and Section 5.4.2 (Zone HB-2) permitting only one plaza sign.

CARRIED FROM APRIL 23, 2015:

App. #32-14: Ronnie & Emilie Nieves, 25 Liberty Avenue, Block 2004, Lot 2

At the public hearing of this application on January 22, 2015, the Board voiced concerns about the significant impervious coverage ratios. As a result, many changes were made to the original plans, including elimination of the proposed breezeway, removal of the detached garage with a new garage to be attached to the house, changing the wrap-around porch to a front porch, etc. Revised plans were submitted to the Board Office on April 13 and again on May 18. (R-15 Zone)

App.#9-15: 569 Springfield Avenue, LLC, 569 Springfield Ave., Bl.610, L.8 (HB-3 Zone)

The applicant is proposing to demolish an existing single family dwelling and construct one new building containing eight condo units (with four units on the first floor and four units on the second floor). Based on the definitions and intent of the ordinance, such as Section 2.1.1B and Section 6.3.3A.4.C, a use variance in accordance with MLUL 40:55D-70(d)(1) is needed because the ordinance allows certain types of "townhouses" with no more than six attached dwelling units and requires strict adherence to the requirements for townhouse developments. As a result, the proposed building, as designed, is not a permitted use. The applicant also seeks variances for exceeding permitted coverage ratios and driveway width as well as any other variances that may be needed.

Correspondence related to App.#12-15: Anco Environmental Services, Inc., One Russo Place, Block 1901, Lot 40 (application not yet scheduled for public hearing):

- Letter from Thomas A. Bocko, Berkeley Heights Zoning Officer, to Judge Bogosian, Berkeley Heights Municipal Court, dated April 14, 2015
- Letter from John R. Frieri, Esq., to Thomas Bocko, dated April 10, 2015
- Agreement between the Applicant and B.H. Zoning Officer dated February 10, 2015
- Zoning Violation dated 12/12/2014

Adoption of Minutes:

May 14, 2015

Adjournment:

Connie Valenti, Secretary